TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1908.

No. 1 Original.

STATE OF WASHINGTON, COMPLAINANT,

vs.

STATE OF OREGON.

IN EQUITY.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1906.

No. 6, Original.

STATE OF WASHINGTON, COMPLAINANT,

vs.

STATE OF OREGON.

IN EQUITY.

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1 At the Capitol of the United States, in the City of Washington and District of Columbia, being the present seat of the National Government of the United States, on the second Monday of October (being the ninth day of the same month), in the year of our Lord one thousand nine hundred and five, and of the Independence of the United States the one hundred and thirtieth, the Supreme Court of the United States met agreeably to law.

And afterwards, to wit, on the 21st day of February, A. D. 1906, the following entry appears of record, viz:

2 THE STATE OF WASHINGTON, Complainant,
vs.
THE STATE OF OREGON.

Mr. Ernest C. Macdonald, of counsel for the complainant, submitted to the consideration of the Court a motion for leave to file a bill of complaint herein.

Which said motion is in the words and figures following, viz:

3 In the Supreme Court of the United States, October Term, A. D. 1905.

STATE OF WASHINGTON, Complainant,
v.
STATE OF OREGON, Defendant.

Motion for Leave to File Bill.

Now comes the State of Washington, through John D. Atkinson, its attorney general, and E. C. Macdonald, its assistant attorney general, and solicitors, and moves the court for leave to file the bill of complaint herewith exhibited, in a controversy which has arisen between said states touching the boundaries and jurisdiction of said state, and that the proper process may issue thereon, notifying the defendant that such a bill has been filed, and that said defendant may appear and defend the same.

JOHN D. ATKINSON,
Attorney General,
E. C. MACDONALD,
Assistant Attorney General,
Solicitors for Complainant.

(Endorsed:) Supreme Court, U. S. October Term 1905. No. 19, Original. State of Washington, Complainant, *vs.* State of Oregon. Motion for leave to file Bill of Complaint. Filed February 21, 1906.

4 And afterwards, to wit, on the 26th day of February, A. D. 1906, the following order was entered of record, viz:

Supreme Court of the United States.

No. 19, Original, October Term, 1905.

THE STATE OF WASHINGTON, Complainant,
vs.
THE STATE OF OREGON.

On consideration of the motion for leave to file the bill of complaint herein, It is now here ordered by the Court that said motion be, and the same is hereby, granted and that process issue thereon.
February 26, 1906.

(Endorsed:) Supreme Court of the United States. October Term 1905. No. 19, Original. Order. Filed Feb. 26, 1906.

5 And on the same day, towit, the 26th day of February, A. D. 1906, the bill of complaint was filed in the words and figures following, viz:

6 In the Supreme Court of the United States, October Term, A. D. 1905.

STATE OF WASHINGTON, Complainant,
v.
STATE OF OREGON, Defendant.

Bill of Complaint.

To the Honorable the Chief Justice and Associate Justices of the Supreme Court of the United States:

The State of Washington, one of the United States of America, brings this its bill of complaint against the State of Oregon, also one of the United States of America, and thereupon your oratrix complains and alleges:

That your oratrix is one of the union of states constituting and forming the United States of America; that under and by virtue of the provisions of an act of Congress, approved February 22, 1889, your oratrix was, on November 11, 1899, admitted to the union of states, upon an equal footing with the original states in all respects whatsover.

That the defendant is also one of the union of states constituting and forming the United States of America; that by an act of Congress, approved February 14, 1859, it was admitted into the union of states, upon an equal footing with the original states in all respects whatsoever.

7 That the boundary line between said states, in so far as it is material to determine the existing controversy between the complainant and defendant hereinafter stated, is defined by acts

of Congress as follows: Beginning at a point in the Pacific ocean one marine league due west of and opposite the middle of the mouth of the north ship channel of the Columbia river, thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river near the mouth of the Walla Walla river. That said boundary line is correctly delineated upon maps, hereto attached and marked respectively exhibits "A" and "B," and which your oratrix prays may be taken and considered as a part hereof.

That a controversy has arisen and exists between your oratrix and defendant regarding the boundary line between said states, and your oratrix complains that the defendant has unlawfully claimed and exercised jurisdiction over numerous islands and sands in said Columbia river, among others being Desdemona Sands, Sands Island, Kersage Sands, Ryan Sands, Miller's Sands, Reed Sands, Enyert's Sands, Oliver Sands, Kaboth Sands, Walker's Island, Johnson's Sands, Bouman's Sands, Helgerson's Sands, Henry's Sands, Colwell's Sands, Taylor's Sands and other islands and sands in the said river, the exact number and description of which your oratrix has not sufficient knowledge upon which to form a belief; but that all of said islands and sands are in truth and in fact within the territorial limits and jurisdiction of your oratrix, and north of the boundary line between said states as shown upon the exhibits hereto attached.

Your oratrix further says that it is exceedingly important to the complainant and defendant that the question of the location of the boundary between said states be speedily and finally determined and settled; that heretofore the peace of the people of the said
8 states, and especially of the county of Pacific, Washington, has been seriously disturbed by the conflict of jurisdiction arising from the difference of opinion as to the location of said boundary line. That the authorities of the State of Oregon, unlawfully claiming jurisdiction over some of the islands hereinbefore mentioned, but which are within the limits and jurisdiction of your oratrix, have invaded the State of Washington and forcibly taken and carried away her citizens for alleged violations of the fishing and other laws of defendant; that, as a result of the controversy herein, expensive litigation has been instituted and maintained between claimants to tide lands and fishing rights in the Columbia river under grants from both states, and many persons living upon said islands and within the territorial jurisdiction of your oratrix have refused to pay taxes lawfully levied by the State of Washington.

Your oratrix further says that the controversy herein, involves questions of jurisdiction and sovereignty, and that no adequate relief at law exists.

Wherefore, your oratrix prays that the said defendant may be required to answer the matters set forth in this bill; that upon final hearing of this cause the boundary line herein claimed may be ascertained and established by the decree of this court; that the rights of possession, jurisdiction and sovereignty of your oratrix thereto

be quieted, and the defendant forever enjoined and restrained from disturbing your oratrix, her officers or people, in the full possession and enjoyment of the same; and for such other and further relief as to the court may seem meet and consistent with equity and good conscience.

May it please your honors: To grant unto your oratrix a writ of subpœna, under the seal of this Honorable Court, directed to the governor and attorney general of the defendant, commanding them on a day certain to be named, and under a certain penalty, to be and appear in this Honorable Court, then and there to
9 answer, on behalf of the defendant, all and singular the premises, and on behalf of the defendant to stand to, perform and abide such further order, direction and decree as may be made against the defendant.

And your oratrix will ever pray.

JOHN D. ATKINSON,
Attorney General,
E. C. MACDONALD,
Assistant Attorney General,
Solicitors for Complainant.

JOHN D. ATKINSON,
E. C. MACDONALD,
A. J. FALKNOR,
ROBERT F. BOOTH,
Of Counsel.

UNITED STATES OF AMERICA,
Western District of Washington, County of Thurston, ss:

John D. Atkinson, being first duly sworn deposes and says that he is the duly elected, qualified and acting attorney general of the State of Washington, and as such is authorized to pray leave to file this bill; that he has read the same, knows the contents thereof and that the same is true as he verily believes.

JOHN D. ATKINSON.

Subscribed and sworn to before me this 20th day of November, 1905.

C. S. REINHART,
Clerk of the Supreme Court of the State of Washington.

(Here follows map marked page 10.)